

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PARIS MORTON,

Plaintiff,

v.

KISEANA GAINES,

Defendant.

Case No. 2:23-cv-00243-CDS-NJK

ORDER

[Docket No. 1]

I. DISCUSSION

On February 12, 2023, Plaintiff, an inmate in the custody of the Clark County Detention Center, submitted a complaint and filed an application to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete. Specifically, Plaintiff submitted a state court application to proceed *in forma pauperis* instead of this Court's application and failed to include a signed financial certificate. *Id.*

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form); and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.**

Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a

1 **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing
 2 all three of the required documents. Plaintiff must file a fully complete application to proceed *in*
 3 *forma pauperis* on or before **March 31, 2023**. Absent unusual circumstances, the Court will not
 4 grant any further extensions of time. If Plaintiff does not file a fully complete application to
 5 proceed *in forma pauperis* with all three required documents on or before **March 31, 2023**, this
 6 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
 7 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 8 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 10 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 11 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
 12 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
 13 **March 31, 2023**, to proceed with this case.

14 The Court will retain Plaintiff's complaint, Docket No. 1-1, but the Court will not file the
 15 complaint unless and until Plaintiff timely files a fully complete application to proceed *in forma*
 16 *pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons,

19 IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis*, Docket No. 1,
 20 is **DENIED** without prejudice to file a new fully complete application to proceed *in forma pauperis*
 21 with all three documents.

22 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 23 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 24 information and instructions for filing an *in forma pauperis* application.

25 IT IS FURTHER ORDERED that, on or before **March 31, 2023**, Plaintiff must either pay
 26 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 27 administrative fee) or file with the Court:
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1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
2 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
3 3);

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
5 (i.e. page 4 of this Court's approved form); and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
7 **six-month period.**

8 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
9 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
10 on or before **March 31, 2023**, this case will be subject to dismissal without prejudice for Plaintiff
11 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
12 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing
13 fee.

14 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's complaint,
15 Docket No. 1-1, but will not file it at this time.

16 IT IS SO ORDERED.

17 DATED: February 16, 2023.

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21 NANCY J. KOPPE
22 UNITED STATES MAGISTRATE JUDGE
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